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H – 3133

International Court of Justice

H3133 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 21 July 1948

I certify that Document Number USA-548 was introduced into evidence as Exhibit Number 2610-PS in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

Fred NIEBERGALL
Chief, Document
Control Branch.

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C E R T I F I C A T E

I hereby certify that the annexed document 2610-PS No. USA-548 is a photostat of an original document submitted in evidence by the United States Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C.

Paul Joosten

Nuremberg, 1 July 1948

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

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NURNBERG, GERMANY. } SS

FREDERICK W. ROCHE being duly sworn deposes and says:

I am a Major in the Army of the United States.

I was the Judge Advocate of the Military Commission which tried Anton Dostler for ordering the execution of the group of fifteen United States Army personnel who comprised the "Ginny Mission". This Military Commission consisting of five officers was appointed by command of General McNarney, by Special Orders No. 269, dated 26 September 1945, Headquarters, Mediterranean Theater of Operations, United States Army, APO 512.

The Military Commission met at Rome, Italy, on 8 October 1945 and proceeded with the trial of the case of the United States v. Anton Dostler. The trial of this case consumed four days and the findings and sentence were announced on the morning of 12 October 1945. The charge and specification in this case are as follows:

"Charge: Violation of the law of war.
Specification: In that Anton Dostler, then General, commanding military forces of the German Reich, a belligerent enemy nation, to wit the 75th Army Corps, did, on or about 24 March 1944, in the vicinity of La Spezia, Italy, contrary to the law of war, order to be shot summarily, a group of United States Army personnel consisting of two officers and thirteen enlisted men who had then recently been captured by forces under General Dostler, which order was carried into execution on or about 26 March 1944, resulting in the death of the said fifteen members of the Army of the United States identified as follows:

First Lieutenant Vincent Russo, 01109637
First Lieutenant Paul J. Traficante, 01308399
Technical Sergeant Livio Vieceli, 33037797
Sergeant Alfred L. DeFlumeri, 31252071
Sergeant Dominic C. Mauro, 32650582
Technician Fifth Grade Liberty J. Tremonte, 31329179
Technician Fifth Grade Joseph M. Farrell, 31329187
Technician Fifth Grade Salvatore DiSclafani, 32297264

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Technician Fifth Grade Angelo Sirico, 32542008
Technician Fifth Grade John J. Leone, 32577443
Technician Fifth Grade Thomas N. Savino, 32540701
Technician Fifth Grade Joseph A. Libardi, 31212732
Technician Fifth Grade Joseph Noia, 32536119
Technician Fifth Grade Rosario F. Squatrito, 32542038
Technician Fifth Grade Santaro Calcara, 36131251".

I was present throughout the entire proceeding, I heard all the testimony, and I am familiar with the record in this case. The facts developed in this proceeding are as follows: On the night of 22 March 1944, two officers and thirteen enlisted men of the 2677th Special Reconnaissance Battalion of the Army of the United States disembarked from some United States Navy boats and landed on the Italian coast near Stazione di Framura. All fifteen men were members of the Army of the United States and were in the military service of the United States. When they landed on the Italian coast they were all properly dressed in the field uniform of the United States Army and they carried no civilian clothes. Their mission was to demolish a railroad tunnel on the main line between La Spezia and Genoa. That rail line was being used by the German Forces to supply their fighting forces on the Cassino and Anzio Beachhead fronts. The entire group was captured on the morning of 24 March 1944 by a patrol consisting of Fascist soldiers and a group of members of the German Army. All fifteen men were placed under interrogation in La Spezia and they were held in custody until the morning of 26 March 1944 when they were all executed by a firing squad. These men were never tried nor were they brought before any court or given any hearing; they were shot by order of Anton Dostler, then General Commanding the 75th German Army Corps.

Anton Dostler took the stand in this case and testified by way of defense that he ordered the fifteen American soldiers to be shot pursuant to

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the Hitler order of 18 October 1942 on commando operations, which provided that commandos were to be shot and not taken prisoners of war, even after they had been interrogated. He also testified that he would have been subject to court martial proceedings if he did not obey the Hitler order.

The following is a true copy of the findings and sentence in the case of the United States v. Anton Dostler, as these findings and sentence appear in the original record of the trial and as they were announced in open court at Rome, Italy on 12 October 1945:

"FINDINGS: General Dostler, as president of this commission it is my duty to inform you that the commission in closed session and upon secret written ballot, at least two-thirds of all of the members of the commission concurring in each finding of guilty, finds you of the specification and of the charge:

GUILTY.

SENTENCE: And again in closed session and upon secret written ballot, at least two-thirds of all of the members of the commission concurring, sentences you:

TO BE SHOT TO DEATH BY MUSKETRY."

Frederick W. Roche
FREDERICK W. ROCHE,
Major, J.A.G.D.

Sworn to and subscribed
before me, this the 7th
day of November, 1945.

Hardy W. Hollers
HARDY W. HOLLERS,
Colonel, J.A.G.D.

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EXHIBIT U.S.A. 548 (2610-PS)

Filed Jan. 7, 1946
H.B. Whitley
Acq.

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EXHIBIT U.S.A.

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